



PATENT  
ATTORNEY DOCKET NO.: 047763-5014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Dirk OSTERMANN et al. )  
U.S. Application No.: 09/509,215 ) Group: Unassigned  
International Appl. Filing Date: September 25, 1998 )  
Date of National Stage Entry: March 24, 2000 ) Examiner: Unassigned  
For: APPARATUS FOR REMOVING A SAMPLE )  
FROM AN ARRAY OF SAMPLES AND A )  
CUTTING TOOL FOR USE WITH THAT )  
APPARATUS )

**BOX PCT**  
Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 USC 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. This replies to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed May 17, 2000.

A copy of the Notification of Missing Requirements (Form PTC/DO/EO/905) is enclosed.

2. Declaration Or Oath

☒ No declaration or oath was filed. Enclosed are the original Combined Declaration and Power of Attorney (4).

130.00 OP

☐ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

02/09/2001 LLANDGRA 00000025 09509215  
01 FC:154

## 3. English Translation of Non-English Language Papers

☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

☐ Also enclosed is the Verification of Translation Document

## 4. Small Entity Statement(s)

☐ Verified Statement(s) that this is a filing by a small entity

☐ is attached

☐ was filed on \_\_\_\_\_.

## 5. Fee Calculation

Basic Fee: PCT Application-\$840.00				
	Number Filed	Number Extra	at a Rate of	
Total Claims	12-20 =	0	\$18.00 each=	+\$0.00
Independent Claims	4- 3 =	1	\$78.00 each=	+\$0.00
Multiple dependent claim(s), if any			\$260.00	+\$0.00
Missing Requirements Surcharge Fee			\$130.00	\$130.00
SUB-TOTAL =				\$130.00
Fee For Application Filed With A Non-English Specification (37 CFR 1.17(k) and 1.52(d))			\$130.00	+\$0
Fee For Processing and retention of application (37 CFR 1.21(l) and 1.53(d))			\$130.00	+
TOTAL FILING FEE =				130.00

## 6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

<u>Total months requested</u>	<u>Fee for extension</u>	<u>[fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$200.00
<input type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,510.00	\$755.00

Extension of time fee due with this request: \$0.00

If an additional extension of time is required, please consider this a Petition therefor.

☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

## 7. Fee Payment

The total fee due is:	Completion Fees	<u>\$ 130.00</u>
	Extension Fees	<u>\$ 0.00</u>
	Petition To Revive Abandoned Appln.	<u>\$1240.00</u>
	Total Fee Due	<u>\$1370.00</u>

☒ Enclosed is a check in the amount of \$1370.00 representing the Missing Parts Surcharge of \$130.00 and a Petition to Revive Abandoned Application fee of \$1240.00.

[X] **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

8. Additional papers enclosed.

- [X] Petition to Revive An Abandoned Application Under 37 C.F.R. §1.137(b)
- [ ] Preliminary Amendment
- [ ] PCT/IB/338 English translation of the International preliminary Examination Report
- [ ] Information Disclosure Statement
- [ ] Form PTO-1449, \_\_\_\_\_ as listed
- [ ] Declaration of Biological Deposit
- [ ] Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**



Elizabeth C. Weimar

Reg. No. 44,478

Date: February 7, 2001

Customer No. 009629  
**MORGAN, LEWIS & BOCKIUS LLP**  
1800 M Street, N.W.  
Washington, D.C. 20036  
(202) 467-7000

RECEIVED

MAY 18 2000

MORGAN, LEWIS &amp; BOCKIUS LLP



## UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/509215	OSTERMANN	D 047763-5014

MORGAN, LEWIS & BOCKIUS  
1800 M STREET, NW  
WASHINGTON, DC 20036 5869

INTERNATIONAL APPLICATION NO.

PCT/AU98/00813

I.A. FILING DATE

PRIORITY DATE

25 SEP 98

25 SEP 97

DATE MAILED: 17 MAY 2000

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

☐ a Designated Office (37 CFR 1.494),

☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☐ a non-English language.

☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed 24 MAR 00 and

☒ Information Disclosure Statement(s) filed 24 MAR 00 and

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed

☐ Verified Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☐ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

***A copy of this notice MUST be returned with this response.***

Enclosed:

☐ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Karen Williams *KW*

Telephone: 703-305-3688

Docketed 5-18-00 Attorney RGA/ECW  
Case 47763-5014  
Due Date 6-17-00  
Action missing Requirements  
By SDW Chk RJT